

**ACTION:** Public meeting; correction.

**SUMMARY:** On October 6, 1995 (60 FR 52412), the Office of Surface Mining Reclamation and Enforcement (OSM or we) of the U.S. Department of the Interior published a notice of a public meeting for developing its recommendations to the President for the FY 1997 budget. In that notice the dates scheduled for the public meeting were October 31 and November 1, 1995. Due to the continuing resolution in effect, the uncertainty of OSM's budget, and the separation of approximately 30% of OSM's employees because of a reduction-in-force, this meeting is being postponed until November 28, 1995. We are still seeking written comments and will accept them until the dates of the meeting. In addition, we are requesting those of you who wish to provide oral comments, or who would like to serve as an active participant in the interactive roundtable discussions, respond by November 21, 1995, by notifying OSM by telephone (202) 208-7851; by FAX (202) 501-4734; or by E-Mail address on the internet [vchristi@osmre.gov](mailto:vchristi@osmre.gov). If you are providing oral comments, an accompanying written version of your oral presentation would be appreciated.

**DATES:** *Written comments:* We will accept written comments on the priority of our business lines and program activities for fiscal year 1997 until 4:00 p.m., eastern time on November 29, 1995.

*Public meeting:* We will hold a public meeting in an interactive forum on our business lines and program activities for fiscal year 1997 in Washington, D.C. on November 28, 1995, beginning at 9:00 a.m. If more time is needed we will continue the meeting on November 29, 1995.

**ADDRESSES:** *Written comments:* Mail or hand-deliver to Victor J. Christiansen at the address provided under **FOR FURTHER INFORMATION CONTACT**.

*Public meeting:* The public meeting will be held at the South Interior Building's Auditorium, 1951 Constitution Ave., N.W., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Victor J. Christiansen. Mr. Christiansen can supply information on our FY 1995-1996 budget for those interested, and may be reached at: Office of Surface Mining Reclamation and Enforcement, Room 244, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; Telephone (202) 208-7851; FAX (202) 501-4734; E-Mail address on the internet: [vchristi@osmre.gov](mailto:vchristi@osmre.gov).

Dated: October 18, 1995.

Ed Kay,

*Deputy Director, Office of Surface Mining.*

[FR Doc. 95-26398 Filed 10-24-95; 8:45 am]

BILLING CODE 4310-05-M

## INTERSTATE COMMERCE COMMISSION

[Docket No. AB-32 (Sub-No. 64X)]

### CSX Transportation, Inc.— Abandonment Exemption—Rensselaer County, NY

Boston and Maine Corporation (B&M) has filed a verified notice under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon the 5.04-mile Bennington Branch line between mileposts 0.00 and 5.04 in Hoosick, Rensselaer County, NY.

B&M has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in complainant's favor within the last 2 years; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 and 1152.50(d)(1) (notice to government agencies), and 49 CFR 1105.12 (newspaper publication) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether employees are adequately protected, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

This exemption will be effective November 24, 1995, unless stayed or a statement of intent to file an offer of financial assistance (OFA) is filed. Petitions to stay that do not involve environmental issues,<sup>1</sup> statements of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking

<sup>1</sup> The Commission will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Commission in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Commission may take appropriate action before the exemption's effective date.

<sup>2</sup> See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

requests under 49 CFR 1152.29<sup>3</sup> must be filed by November 6, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by November 14, 1995. An original and 10 copies of any such filing must be sent to the Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423. In addition, one copy must be served on John R. Nadolny, Boston and Maine Corporation, Iron Horse Park, North Billerica, MA 01862.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

B&M has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Commission's Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by October 30, 1995. A copy of the EA may be obtained by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser at (202) 927-6248.

Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: October 18, 1995.

By the Commission, Joseph H. Dettmar,  
Acting Director, Office of Proceedings.  
Vernon A. Williams,

*Secretary.*

[FR Doc. 95-26446 Filed 10-24-95; 8:45 am]

BILLING CODE 7035-01-P

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Settlement Agreement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that a proposed Settlement Agreement in *In re: Envirodyne Industries, Inc., et al.*, Case No. 93 B 319, was lodged with the United States Bankruptcy Court for the Northern District of Illinois, on Oct. 10, 1995, among the United States, on behalf of the Environmental Protection Agency ("EPA") and the Economic Development Administration of the

<sup>3</sup> The Commission will accept late-filed trail use requests so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

Department of Commerce ("EDA"), Navistar International Transportation Corp. ("Navistar"), and the debtors. The United States filed a claim against the debtors in this action for the debtors' liability under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.*, for investigation and clean-up costs at the Wisconsin Steel Works site, in Chicago, Illinois. Under the Settlement Agreement, the debtors will pay EPA \$5,000 in cash, and will provide an allowed claim of \$1,000,000 to Navistar for use in Navistar's investigation and clean-up of the site. The Settlement Agreement includes a covenant not to sue by the United States under Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9606 and 9607, and under Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. 6973 ("RCRA").

The Department of Justice will receive comments relating to the proposed Settlement Agreement for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530. All comments should refer to *In re: Envirodyne Industries Inc., et al.*, D.J. Ref. 90-11-3-1064A. Commenters may request an opportunity for a public hearing in the affected area, in accordance with Section 7003(d) of RCRA.

The proposed Settlement Agreement may be examined at the office the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604, and at the Consent Decree Library, 1120 G Street, N.W., 4th floor, Washington, D.C. 20005, 202-624-0892. A copy of the proposed Settlement Agreement may be obtained in person or by mail from the Consent Decree Library. In requesting a copy, please enclose a check in the amount of \$5.75 for the decree (25 cents per page reproduction costs) payable to the Consent Decree Library. When requesting a copy, please refer to *In re: Envirodyne Industries, Inc., et al.*, D.J. Ref. 90-11-3-1064A.

Bruce S. Gelber,

*Acting Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 95-26364 Filed 10-24-95; 8:45 am]

BILLING CODE 4410-01-M

### **Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980 as Amended**

In accordance with Department of Justice policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. International Paper Company, et al.*, Civil No. 94-4681 (BDP), was lodged on September 29, 1995, with the United States District Court for the Southern District of New York. The decree resolves claims of the United States against defendants I.S.A. In New Jersey, Inc. ("ISA") and Round Lake Sanitation Corporation ("Round Lake") in the above-referenced action under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") for contamination at the Warwick Superfund Site in the Town of Warwick, Orange County, New York (the "Site"). In the proposed consent decree, the defendants agree to pay the United States \$487,500 in settlement of the United States' claims for past response costs incurred by the Environmental Protection Agency at the Site and \$262,500 in settlement of the United States' claims for civil penalties and damages for ISA's and Round Lakes' failure or refusal to comply with Unilateral Administrative Orders issued to them. The payments will be made from an escrow account as noted below.

In 1991, ISA, Round Lake, and other entities and individuals were indicted by a grand jury empaneled in the United States District Court for the Southern District of New York on numerous federal felony charges. According to a subsequent plea agreement, ISA and Round Lake, and other entities, were required to be sold to unrelated third parties. In 1994, the United States entered into an Agreement and Covenant Not To Sue under CERCLA with Browning-Ferris Industries of New York, Inc.; Browning-Ferris Industries of Paterson, N.J., Inc.; and Browning-Ferris Industries of South Jersey, Inc. (collectively referred to as "BFI") regarding BFI's prospective purchase of the assets of ISA, Round Lake, and the other entities. In exchange for this Agreement and Covenant Not To Sue, BFI paid \$250,000 to the United States, from which \$187,500 was paid towards past response costs incurred by EPA at the Warwick Site. Upon the sale of the assets of ISA, Round Lakes, and the other entities, ISA and Round Lake paid \$1,000,000 of the sale price into an escrow account to be used to resolve certain liability to the United States pursuant to CERCLA at several sites,

including the Warwick Site, the Hertel Superfund Site in the Town of Plattekill, New York, the Ramapo Superfund Site in the Town of Ramapo, New York, and the Kin-Buc Superfund Site in Edison, New Jersey. The balance of the proceeds of BFI's purchase of the assets of ISA, Round Lake, and the other entities has been used to satisfy a \$5,000,000 criminal fine, \$3,500,000 in federal and state tax liability, and \$300,000 of liabilities to other creditors.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. International Paper Company, et al.*, DOJ Ref. Number 90-11-3-812.

The proposed consent decree may be examined at the Office of the United States Attorney, 100 Church Street, New York, NY, 10007; the Region II Office of the Environmental Protection Agency, 290 Broadway, New York, NY 10278; and the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W. 4th Floor, Washington, D.C. 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$5.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Bruce S. Gelber,

*Acting Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 95-26363 Filed 10-24-95; 8:45 am]

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### **Drug Enforcement Administration**

#### **Manufacturer of Controlled Substances; Notice of Application**

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on August 16, 1995, Eli Lilly Industries, Inc., Chemical Plant, Kilometer 146.7, State Road 2, Mayaguez, Puerto Rico 00680, made written request to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance Dextropropoxyphene, bulk (non-dosage forms) (9273).

The firm plans to manufacture bulk product for distribution to its customers.